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8 SAN DIEGO GAS & ELECTRIC COMPANY,  
9 a California corporation  
10

11 **STATE OF CALIFORNIA**

12 **STATE WATER RESOURCES CONTROL BOARD**

13 In the Matter of the Petition for  
14 Reconsideration by SAN DIEGO GAS &  
15 ELECTRIC COMPANY of Water Quality  
16 Certification No. 06C-026

17 Petitioner

No.

**SAN DIEGO GAS & ELECTRIC  
COMPANY'S PETITION FOR  
RECONSIDERATION OF WATER  
QUALITY CONSIDERATION  
NO. 06C-026**

1 **I. INTRODUCTION**

2 Pursuant to California Code of Regulations, title 23, section 3867, San Diego  
3 Gas and Electric Company ("SDG&E") respectfully petitions the State Water Resources  
4 Control Board ("State Board") for reconsideration of certain actions, and failures to act, by  
5 the San Diego Regional Water Quality Control Board ("Regional Board"). On August 15,  
6 2008, the Regional Board issued Water Quality Certification No. 06C-26 for the "5393 –  
7 SDG&E Access Road Repairs TM 3010, Torrey Pines, California Project"  
8 ("Certification").

9 The Certification contains provisions that are beyond the authority of the  
10 Regional Board, inappropriate or improper, or not supported by the record. SDG&E and  
11 the Regional Board are working through the issues raised in this Petition and expect them  
12 to be resolved. As a result, this petition is filed as a placeholder to reserve SDG&E's  
13 rights.

14 The project that gave rise to the need for the Certification is to complete  
15 necessary repairs to a 30-inch diameter, high-pressure, natural gas pipeline and this line's  
16 associated utility access road within San Diego County. The project included certain  
17 impacts to unvegetated waters of the United States and California. The Regional Board  
18 required offsite mitigation at a ratio of 5 to 1. To meet this requirement, SDG&E  
19 purchased mitigation credits from North County Habitat Bank ("Bank"). The Bank is  
20 approved by the Interagency Review Team ("IRT"), which is comprised of the U.S. Army  
21 Corps of Engineers ("USACE"), U.S. Fish and Wildlife Service ("USFWS"), U.S.  
22 Environmental Protection Agency ("USEPA"), and California Department of Fish and  
23 Game ("CDFG"). This approved Bank includes a Banking Enabling Instrument ("BEI"),  
24 Long-Term Management Plan ("Plan"), and an executed conservation easement to the  
25 CDFG. The Bank's long-term manager is the Center for Natural Lands Management, who  
26 has a fully-funded, long-term management endowment fund to pay for management of the  
27 habitat in perpetuity.

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1           Despite SDG&E's use of the Bank to satisfy its mitigation obligation,  
2 SDG&E's Certification contains numerous provisions, discussed below, that purport to  
3 make SDG&E responsible for the Bank's offsite mitigation areas. These provisions are the  
4 responsibility of the Bank, not SDG&E, and they should be deleted from the Certification.

5           SDG&E's Petition for Reconsideration is based on the following:

6           **1. NAME ADDRESS AND TELEPHONE NUMBER OF PETITIONER**

7           San Diego Gas & Electric Company

8           8330 Century Park Court

9           San Diego, California 92123-1548

10          Attention: Lisa Gomez

11          (858) 654-3580

12          LPGomez@Semprautilities.com

13          **2. ACTION FOR WHICH PETITIONER SEEKS REVIEW**

14           SDG&E seeks review of Water Quality Certification No. 06C-26 for the  
15 "5393 – SDG&E Access Road Repairs TM 3010, Torrey Pines, California Project." A  
16 copy of this Certification is attached hereto as Exhibit A.

17           This Petition is a placeholder petition, and SDG&E requests that the matter  
18 be held in abeyance by the State Board. SDG&E will notify the State Board if SDG&E  
19 intends to pursue this Petition. SDG&E is informed that if the Petition becomes active,  
20 SDG&E will be given the opportunity to amend this Petition, including the addition of  
21 detailed Points and Authorities.

22          **3. DATE OF ACTION**

23           The Certification was issued on August 15, 2008.

24          **4. STATEMENT OF REASONS WHY THE REGIONAL BOARD'S**  
25 **ACTION WAS IMPROPER**

26           Many of the provisions referenced below concern responsibility for the  
27 Bank's offsite mitigation areas. Such provisions should not apply to SDG&E because its  
28 purchase of credits from the Bank fully satisfies the mitigation needed for this project.

1 Further, the issues raised by these mitigation provisions are already addressed in the  
2 Bank's BEI and Plan that are on file with the Regional Board. By directing these  
3 provisions at SDG&E, the Regional Board is depriving SDG&E of a substantial advantage  
4 of purchasing offsite mitigation credits—quick and final resolution of the mitigation issue.  
5 In so doing, the Regional Board's approach runs afoul of California's Wetlands  
6 Conservation Policy, which recognizes the value of relying on mitigation banks to create  
7 mitigation offsets so as to free project applicants from the responsibility of mitigation.  
8 (*See, e.g., Wetlands Conservation Policy*, Section V (Aug. 23, 1993).)

9           Moreover, as a practical matter, these mitigation provisions place SDG&E in  
10 a difficult, if not impossible, position. For example, one Certification provision requires  
11 the Bank's offsite mitigation areas to be for maintained so they are free from invasive  
12 species. (Certification, § D(4).) Since SDG&E does not own or control the Bank's  
13 mitigation areas, SDG&E has no means by which it could comply with this Regional  
14 Board directive.

15           Accordingly, and as set forth below, SDG&E requests the following  
16 provisions in the Certification be revised or deleted because they are beyond the authority  
17 of the Regional Board, inappropriate or improper, and/or unsupported by the record.

18           *a.* Page 3 of the Certification, Section A(6) states: "The notification for  
19 transfer of mitigation responsibility shall include a signed statement from the new party  
20 demonstrating acceptance and understanding of the responsibility to meet the mitigation  
21 conditions and applicable requirements of the Certification. Notification must be provided  
22 within **10 days** of the sale of the property. [(emphasis original)]"

23           This requirement is the responsibility of the Bank, not SDG&E, and should  
24 be removed from the Certification. When SDG&E applied for the Certification, it  
25 proposed compensating for all impacts occurring within jurisdictional areas in the form of  
26 mitigation credits purchased from the Bank. This Bank is approved by the IRT, which is  
27 comprised of the USACE, USFWS, USEPA, and CDFG. The Bank has provided the  
28 Regional Board with copies of its BEI, Plan, and conservation easement with the CDFG.

1 The Bank's long-term manager, the Center for Natural Lands Management, has a fully-  
2 funded, long-term management endowment fund to pay for management of the habitat in  
3 perpetuity.

4 **b.** Page 5 of the Certification, Section D(2) states: "Mitigation must be  
5 achieved at a 25:1 ratio by the purchase of 0.1-acre of restored riparian habitat at the North  
6 County Habitat Bank. (This has already occurred.)"

7 In discussing this section with Board staff, the 25:1 ratio requirement appears  
8 to be a mistake. Regional Board staff agrees the mitigation ratio should be revised to  
9 reflect a ratio of 5 to 1, which is what the Regional Board required. Mitigation credits of  
10 .082-acre will fully satisfy the mitigation requirements for this project. Hence, section  
11 D(2) should also be revised to reflect only .082-acre of credits are being applied to this  
12 project.

13 **c.** Page 6 of the Certification, Section D(3) states: "Within 90 days of the  
14 issuance of this certification and prior to impacts, San Diego Gas & Electric must provide  
15 the Regional Board a final preservation mechanism (e.g. deed restriction, conservation  
16 easement, etc.) that will protect all mitigation areas and their buffers in perpetuity."  
17 Section D(3) then goes on to detail the requirements of this preservation mechanism.

18 Section D(3) should be removed in its entirety from the Certification because  
19 management of the offsite wetland mitigation is the responsibility of the Bank, which  
20 provided Regional Board staff with copies of the BEI, Plan, and recorded conservation  
21 easement across the Bank property.

22 **d.** Page 6 of the Certification, Section D(4) states: "Mitigation areas must  
23 be maintained free of perennial exotic and invasive plant species including, but not limited  
24 to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, palm tree,  
25 and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the  
26 mitigation areas."

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1           This requirement should be removed because management of the offsite  
2 mitigation is the responsibility of the Bank. Further, the Bank's Plan has an entire section  
3 discussing the control of exotic and invasive plant species.

4           *e.* Page 6 of the Certification, Section D(5) states: "If at any time after the  
5 establishment of the mitigation area(s), a catastrophic natural event (e.g., fire, flood)  
6 occurs and impacts the mitigation area San Diego Gas & Electric is responsible for repair  
7 and replanting of the damaged area(s)."

8           This requirement should be removed because management of the offsite  
9 wetland mitigation is the responsibility of the Bank and the BEI and Plan contain  
10 provisions for responding to potential catastrophic events, including fire.

11           *f.* Page 6 of the Certification, Section D(6) states: "If, after all other  
12 establishment criteria have been met, monitoring shows that the mitigation area(s) are not  
13 meeting the functional success criteria proposed in the addendum, the Regional Board has  
14 the option to modify this certification to require changes to the mitigation plans, including  
15 but not limited to additional or different mitigation to compensate for the lack of or  
16 diminished functional mitigation."

17           This requirement should be removed for the reasons set forth above.  
18 Management of the offsite mitigation area is the responsibility of the Bank. In any event,  
19 the five-year success criteria have already been achieved at the Bank.

20           *g.* Page 8 of the Certification, Section H(6) states: "A duly authorized  
21 representative of a person designated in Items 1.a. through 1.c. above may sign documents  
22 if:"

23           This section is referring to persons that may sign certain documents in  
24 addition to those persons identified in Section H(5). As such, this section should be  
25 revised to refer to "Items 5.a through 5.c."

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1           i. Attachment 1 at page 13 of the Certification, Project Information  
2 Compensatory Mitigation Section, states: "Compensatory mitigation has been  
3 accomplished by the purchase of 0.1 acre of credit from the North County Habitat Bank for  
4 the creation/restoration of wetland/riparian habitat on May 27, 2008."

5           As noted above, while SDGE did purchase 0.1 acre of mitigation from the  
6 Bank, there is still a balance of 0.018 acre of credits unassigned for future use. The entire  
7 0.1 acre is not required for this project. (*See* discussion, *supra*, Section 4.b.) SDG&E  
8 purchased 0.1 acre of credits because the Bank would not sell less than this amount.  
9 Attachment 1 should therefore be revised to reflect that only .082-acre of mitigation credits  
10 are being applied to this project.

11           **5. THE MANNER IN WHICH PETITIONER IS AGGRIEVED**

12           SDG&E has been aggrieved by the Regional Board's decision to include the  
13 provisions discussed above because compliance with such inappropriate or improper  
14 provisions could result in increased costs to SDG&E. Moreover, the provisions purporting  
15 to make SDG&E responsible for certain aspects of the mitigation areas deprives SDG&E  
16 of the benefit of its bargain. Here, SDG&E's paid for mitigation credits believing that this  
17 purchase completed its responsibility for mitigation on this project. However, should these  
18 provisions remain in place, SDG&E will be deprived of this finality and be improperly  
19 saddled with certain responsibilities for the Bank's offsite mitigation areas for years to  
20 come. SDG&E will also be aggrieved to the extent provisions at issue in this Petition set a  
21 precedent within the Regional Board's jurisdiction for future SDG&E projects. SDG&E  
22 will be further aggrieved to the extent the challenged provisions purport to make SDG&E  
23 responsible for issues over which it has no ownership or control.

24           **6. SPECIFIC ACTION BY THE STATE BOARD THAT PETITIONER**  
25           **REQUESTS**

26           SDG&E requests that the Certification be amended to: (i) deleted Sections  
27 D(3), D(4), D(5), D(6), and the quoted portion of Section A(6); and (ii) revise Sections  
28 D(2) and H(6), and Attachment I in the manner discussed above.

1       7. **LIST OF PERSONS, IF ANY, OTHER THAN THE PETITIONER**  
2       **KNOWN TO HAVE AN INTEREST IN THE SUBJECT MATTER OF**  
3       **THE PETITION**

4             Not applicable.

5       8. **STATEMENT THAT THE PETITION HAS BEEN SENT TO THE**  
6       **REGIONAL BOARD**

7             A true and correct copy of this Petition for Reconsideration was sent to the  
8       Regional Board via electronic mail and First Class Mail on September 12, 2008, to the  
9       attention of John H. Robertus, Executive Officer.

10       9. **COPY OF THE REQUEST TO THE EXECUTIVE OFFICER FOR**  
11       **PREPARATION OF THE REGIONAL BOARD STAFF RECORD**

12             SDG&E reserves the right to file a request for preparation of the record  
13       should it activate this Petition.

14       10. **SUMMARY OF THE MANNER IN WHICH AND TO WHAT EXTENT**  
15       **PETITIONER PARTICIPATED IN ANY PROCESS LEADING TO THE**  
16       **ACTION OR FAILURE TO ACT IN QUESTION**

17             There was no public process leading to the issuance of the Certification. Nor  
18       did the Regional Board provide a draft Certification to SDG&E for its review prior to  
19       issuing the final Certification. There were a number of meetings or other communications  
20       between the Regional Board, SDG&E, and the Bank with respect to the project, the scope  
21       of impacts, offsetting mitigation credits, and so on, which culminated in the issuance of the  
22       Certification. Following the Certification's issuance, Regional Board staff and SDG&E  
23       discussed potential amendments to the Certification to address the issues raised in this  
24       Petition, which discussions are continuing.



1           **11. CONCLUSION**

2                   For all the foregoing reasons, SDG&E requests that the State Board grant  
3 this Petition.

4 Dated: September 12, 2008

OFFICE OF THE GENERAL COUNSEL

5  
6 By: 

R. Scott Pearson  
Attorneys for Petitioner  
SAN DIEGO GAS & ELECTRIC  
COMPANY, a California Corporation

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## **EXHIBIT A**



# California Regional Water Quality Control Board

## San Diego Region

Linda S. Adams  
Secretary for  
Environmental  
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
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Arnold  
Schwarzenegger  
Governor

August 15, 2008

Certified Mail No. 7007 1490 0003 8753 5483

Ms. Taschia Houston  
San Diego Gas & Electric  
8315 Century Park Court  
CP21E  
San Diego, CA 92123-1548

In reply, refer to:

Certification	06C-026
Reg. Meas.	350239
Place	724463
Party (SDGE)	40299
Person	481776
WDID:	9 000001814

**SUBJECT:** Action on Request for Clean Water Act Section 401 Water Quality Certification for the 5393 – *SDG&E Access Road Repairs TM 3010, Torrey Pines, California* Project  
Water Quality Certification No. 08C-024

Dear Ms. Houston:

Enclosed is the Clean Water Act Section 401 Water Quality Certification for discharge of fill to Waters of the U.S. and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ, Statewide General Waste Discharge Requirements for discharges of dredged or fill material that have received State Water Quality Certification, for the 5393 – *SDG&E Access Road Repairs TM 3010, Torrey Pines, California* project. A description of the project and project location can be found in the project information sheet, project location map, and project site maps, which are included as Attachments 1 through 6.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the California Regional Water Quality Control Board, San Diego Region, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

### California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



Ms. Houston  
401 Certification 06C-026

August 15, 2008

The heading portion of this letter includes Regional Board code numbers noted after "In reply, refer to:" In order to assist us in the processing of your correspondence please include these codes number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions regarding this notification, please contact Mike Porter directly at (858) 467-2726 or via email at [mporter@waterboards.ca.gov](mailto:mporter@waterboards.ca.gov).

Respectfully,

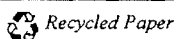
  
JOHN H. ROBERTUS  
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 08C-024 for the  
City of Vista Sports Park Project, with 6 attachments

CC: Refer to Attachment 2 of Certification 06C-026 for Distribution List.

*California Environmental Protection Agency*





Linda S. Adams  
Acting Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board San Diego Region

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Arnold  
Schwarzenegger  
Governor

## Action on Request for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials

**PROJECT:** 5393 - SDG&E Access Road Repairs TM 3010,  
Torrey Pines, California  
Certification Number 06C-026

**APPLICANT:** Ms. Taschia Houston  
San Diego Gas & Electric  
8315 Century Park Court CP21E  
San Diego, CA 92123-1548

Certification	06C-026
Reg. Meas.	350239
Place	724463
Party (SDGE)	40299
Person	481776
WDID:	9 000001814

### ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

### PROJECT DESCRIPTION:

San Diego Gas & Electric is proposing to permanently repair a utility access road and repair erosion around a 30-inch diameter High Pressure (natural) Gas Transmission Main (gas line). The gas line traverses an ephemeral, upland stream. Water flowing down the stream over the years has eroded alluvium and slopewash and has exposed the gas line. Emergency repairs have been done, but permanent repairs are needed. Specifically, San Diego Gas & Electric is proposing to install two 8-inch diameter PVC pipes to convey low flows under the emergency access road, repair the road, stabilize the streambed elevation, repair the erosion around the gas line, and install energy dissipation.

### California Environmental Protection Agency

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*

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**STANDARD CONDITIONS:**

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

**ADDITIONAL CONDITIONS:**

In addition to the three standard conditions, San Diego Gas & Electric must satisfy the following:

**A. GENERAL CONDITIONS:**

1. San Diego Gas & Electric must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), to support this 401 Water Quality Certification and all subsequent submittals required as part of this certification and as described in Attachment 1. The conditions within this certification must supersede conflicting provisions within such plans submitted prior to the certification action. Any modifications thereto, would require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or certification amendment.
2. During construction, San Diego Gas & Electric must maintain a copy of this certification at the project site so as to be available at all times to site personnel and agencies.

3. San Diego Gas & Electric must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
  - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
  - b. Access to copy any records required to be kept under the terms and conditions of this certification.
  - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this certification.
  - d. Sampling of any discharge or surface water covered by this Order.
4. San Diego Gas & Electric must notify the Regional Board within 24 hours of any unauthorized discharge, including hazardous or toxic materials, to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.
5. San Diego Gas & Electric must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
6. This Certification is not transferable to any person except after notice to the Executive Officer of the Regional Board. San Diego Gas & Electric must notify the Regional Board of any change in ownership of the project area. Notification must include, but not be limited to, a statement that the property owner has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands the permit requirements and must implement them; the seller and purchaser must sign and date the notification. The notification for transfer of mitigation responsibility shall include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification. Notification must be provided within **10 days** of the sale of the property.
7. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

8. In response to a suspected violation of any condition of this certification, the Regional Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
9. In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

**B. PROJECT CONDITIONS:**

1. Prior to the start of the project, and annually thereafter, San Diego Gas & Electric must educate all personnel on the requirements in this certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. San Diego Gas & Electric must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-017-DWQ, Statewide General Waste Discharge Requirements for discharges of dredged or fill material that have received State Water Quality Certification. The General Waste Discharge Requirements are accessible at:  
[http://www.waterboards.ca.gov/cwa401/docs/generalorders/go\\_wdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf).
3. San Diego Gas & Electric must notify the Regional Board in writing at least **5 days** prior to the actual commencement of dredge, fill, and discharge activities.
4. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
5. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows.
6. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation.



Normal flows must be restored to the affected stream immediately upon completion of work at that location.

7. All areas that will be left in a rough graded state must be revegetated with native plant species no later than one week after completion of grading. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at <http://www.cal-ipc.org/ip/inventory/weedlist.php>.
8. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. Best Management Practices (BMPs) must be implemented to prevent such discharges during each project activity involving hazardous materials.

**C. CONSTRUCTION AND POST-CONSTRUCTION STORM WATER MANAGEMENT:**

As proposed in the March 22, 2006 Application to the Regional Board, the Best Management Practices must include, but not be limited to:

Construction –

1. Conducting the work outside of the rainy season.
2. Plastic sheeting.
3. Silt fencing.
4. Gravel bags.

Post-construction -

5. Revegetating disturbed areas.
6. Energy dissipation.

**D. COMPENSATORY MITIGATION FOR LOSS OF WATERS OF THE U.S./STATE:**

1. The proposed impacts to Waters of the U.S. and State must not exceed 0.004-acre (20-linear feet) for unvegetated waters.
2. Mitigation must be achieved at a 25:1 ratio by the purchase of 0.1-acre of restored riparian habitat at the North County Habitat Bank. (This has already occurred.)

3. Within **90 days** of the issuance of this certification and prior to impacts, San Diego Gas & Electric must provide the Regional Board a final preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the mitigation site will be maintained and without future development or encroachment on the site which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the U.S. that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the site. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.
4. Mitigation areas must be maintained free of perennial exotic and invasive plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, palm tree, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the mitigation areas.
5. If at any time after the establishment of the mitigation area(s), a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area San Diego Gas & Electric is responsible for repair and replanting of the the damaged area(s).
6. If, after all other establishment criteria have been met, monitoring shows that the mitigation area(s) are not meeting the functional success criteria proposed in the addendum, the Regional Board has the option to modify this certification to require changes to the mitigation plans, including but not limited to additional or different mitigation to compensate for the lack of or diminished functional mitigation.

**E. STREAM PHOTO DOCUMENTATION PROCEDURE:**

1. San Diego Gas & Electric, and its successors, must conduct photo documentation of the project site; including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Photo documentation must be conducted in accordance with the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment No.

6. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced. San Diego Gas & Electric must submit this information in a photo documentation report to the Regional Board within **30 days** of completion of the project's construction. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

**F. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES PHOTO DOCUMENTATION PROCEDURE:**

San Diego Gas & Electric must conduct photo documentation of implemented post-construction BMPs. Photo-documentation must be modeled after the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment 6. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced. San Diego Gas & Electric must submit this information in a photo documentation report to the Regional Board within **30 days** of final installation of BMPs. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

**G. GEOGRAPHIC INFORMATION SYSTEM REPORTING:**

1. San Diego Gas & Electric must submit Geographic Information System (GIS) shape files of the impact and mitigation areas within **90 days** of final project impacts and the mitigation areas within **90 days** of Certification. All impact and mitigation areas shapefiles must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.

**H. REPORTING:**

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. All reports and information submitted to the Regional Board must be submitted in both hardcopy and electronic format.
3. San Diego Gas & Electric must submit a report to the Regional Board within 30 days of completion of the project. The report should include as-built drawings no bigger than 11" x 17" and photos of the completed project including post-construction BMPs.

4. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

*"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

5. All applications, reports, or information submitted to the Regional Board must be signed as follows:
  - a) For a corporation, by a responsible corporate officer of at least the level of vice president.
  - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
6. A duly authorized representative of a person designated in Items 1.a. through 1.c. above may sign documents if:
  - a) The authorization is made in writing by a person described in Items 1.a. through 1.c. above.
  - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - c) The written authorization is submitted to the Regional Board Executive Officer.
7. San Diego Gas & Electric must submit reports required under this certification, or other information required by the Regional Board, to:

Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification No. 06C-026  
9174 Sky Park Court, Suite 100  
San Diego, California 92123

8. Required Reports: The following list summarizes the reports, excluding spill notifications and emergency situations, required per the conditions of this Certification to be submitted to the Regional Board.

Report Topic	Certification Condition	Due Date(s)
Certification Transfer	A.6. Notify Regional Board of property sale or transfer.	Within 10 days of property sale.
Discharge of Fill and Waste	B.3. Notify the Regional Board of the actual commencement of dredge, fill, and discharge activities.	5 days prior to commencement of fill and waste discharge.
Mitigation	D.4. Provide the Regional Board a final preservation mechanism to protect mitigation areas in perpetuity.	Within 90 days of issuance of Certification and before construction commencement.
Photo Documentation	E.1. Submit stream photo documentation report to the Regional Board.	Within 30 days of project completion.
GIS	G.1. Submit shape files of impact and mitigation areas to Regional Board.	Within 90 days of final impacts and 90 days of issuance of Certification.
Reporting	H.3. Submit as-built report to Regional Board.	Within 30 days of project completion.

#### **PUBLIC NOTIFICATION OF PROJECT APPLICATION:**

On May 9, 2008 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

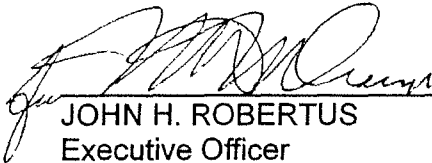
#### **REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

Mike Porter  
 California Regional Water Quality Control Board, San Diego Region  
 9174 Sky Park Court, Suite 100  
 San Diego, CA 92123  
 858-467-2726  
[mporter@waterboards.ca.gov](mailto:mporter@waterboards.ca.gov)

**WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from the 5393 - SDG&E Access Road Repairs TM 3010, Torrey Pines, California (Certification No. 06C-026) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification," which requires compliance with all conditions of this Water Quality Certification.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).

  
\_\_\_\_\_  
JOHN H. ROBERTUS  
Executive Officer  
Regional Water Quality Control Board

8/15/08  
Date

- Attachments:
1. Project Information
  2. Distribution List
  3. Location Map
  4. Site Maps
  5. Mitigation Credit Purchase Receipt
  6. Stream Photodocumentation Procedure

**ATTACHMENT 1**

**PROJECT INFORMATION**

**Applicant:** Mr. Steve Hale  
District Operations Manager  
San Diego Gas & Electric  
Miramar Transmission District  
6875 Consolidated Way  
SD1325  
San Diego, CA 92121-2602  
Telephone: 858-549-6509  
Facsimile: 858-549-6522  
Email: SHale@Semprautilities.com

**Applicant  
Representatives:** Ms. Taschia Houston  
San Diego Gas & Electric  
8315 Century Park Court CP21E  
San Diego, CA 92123-1548  
Telephone: 858-636-3972  
Facsimile: 858-636-3967  
Email: TCHouston@Semprautilities.com

**Project Name:** 5393 - SDG&E Access Road Repairs TM 3010,  
Torrey Pines, California project

Certification Number 06C-026

**Project Location:** The 5393 - SDG&E Access Road Repairs TM 3010, Torrey  
Pines, California project is located south of the San Dieguito  
River valley, east of El Camino Real, in a tributary to  
Gonzales Canyon creek, north/central coastal San Diego  
County. The center of the project is located at approximately  
latitude 32° 57' 55" north and longitude 117° 13' 27" east.

**Type of Project:** Utility access road and erosion repair around a natural gas  
main line.

Water Quality Certification No. 06C-026

Need for Project:	This natural gas line is the one of the main lines that brings natural gas into San Diego County and line integrity needs to be maintained to provide service.
Project Description:	San Diego Gas & Electric is proposing to permanently repair a utility access road and repair erosion around a 30-inch diameter High Pressure (natural) Gas Transmission Main (gas line). The gas line traverses an ephemeral, upland stream. Water flowing down the stream over the years has eroded alluvium and slopewash and has exposed the gas line. Emergency repairs have historically been done, but permanent repairs are needed. Specifically, San Diego Gas & Electric is proposing to install two 8-inch diameter PVC pipes to convey low flows under the emergency access road, repair the road, stabilize the streambed elevation, repair the erosion around the gas line, and install energy dissipation.
Federal Agency/Permit:	U.S. Army Corps of Engineers §404, NWP 12; Mr. Robert Smith.
Other Required Regulatory Approvals:	California Department of Fish and Game §1602, Streambed Alteration Agreement; Ms. Tamara Spear.
California Environmental Quality Act (CEQA) Compliance:	<p>This project is categorically exempt under CEQA for maintenance activities of existing facilities in accordance with Title 14. California Code of Regulations, Chapter 3, Article 19. Categorical Exemptions, §15301 (b) Existing Facilities.</p> <p>Specifically, Class 1 facilities consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.</p>
Receiving Water:	Unnamed, upland, ephemeral creek tributary to Gonzales Canyon Creek, which in turn is tributary to the San Dieguito River. San Dieguito hydrologic unit, Solana Beach hydrologic area, Rancho Santa Fe hydrologic subarea (905.11).



Water Quality Certification No. 06C-026

Affected Waters of the  
United States and  
State:

Temporary:

Wetland - None  
Riparian - None  
Streambed - None  
Lake - None  
Ocean - None

Permanent:

Wetland - None  
Riparian - None  
Streambed - 0.004-acre, 20-linear feet  
Lake - None  
Ocean - None

Dredge Volume:

None

Related Projects  
Implemented/to be  
Implemented by the  
Applicant(s):

None disclosed.

Compensatory  
Mitigation:

Compensatory mitigation has been accomplished by the purchase of 0.1-acre of credit from the North County Habitat Bank for the creation/restoration of wetland/riparian habitat on May 27, 2008.

Best Management  
Practices (BMPs):

The proposed BMPs are:

1. Conducting the work outside of the rainy season.
2. Plastic sheeting.
3. Silt fencing.
4. Gravel bags.

Post-construction BMPs include:

5. Revegetating disturbed areas.
6. Energy dissipation.

There are no impervious (developed) areas that run onto project area.

Water Quality Certification No. 06C-026

Public Notice: May 1, 2006

Fees:                      Total Due:    \$600.00  
                                 Total Paid:    \$500.00 (Check No. 511359)  
                                 Total Paid:    \$500.00 (Check No. 677859)

**ATTACHMENT 2  
DISTRIBUTION LIST**

Mr. Robert Smith  
U.S. Army Corps of Engineers  
San Diego Field Office  
6010 Hidden Valley Road  
Suite 105  
Carlsbad, CA 92011

Ms. Tamara Spear  
California Department of Fish and Game  
South Coast Region  
Habitat Conservation Planning – North  
4949 Viewridge Avenue  
San Diego, CA 92123

Ms. Elizabeth Goldmann  
Wetlands Regulatory Office  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

State Water Resources Control Board  
Division of Water Quality  
401 Water Quality Certification and Wetlands Unit  
P.O. Box 100  
Sacramento, CA 95812-0100

U.S. Department of the Interior  
Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92011

Ms. Taschia Houston  
San Diego Gas & Electric  
8315 Century Park Court CP21E  
San Diego, CA 92123-1548

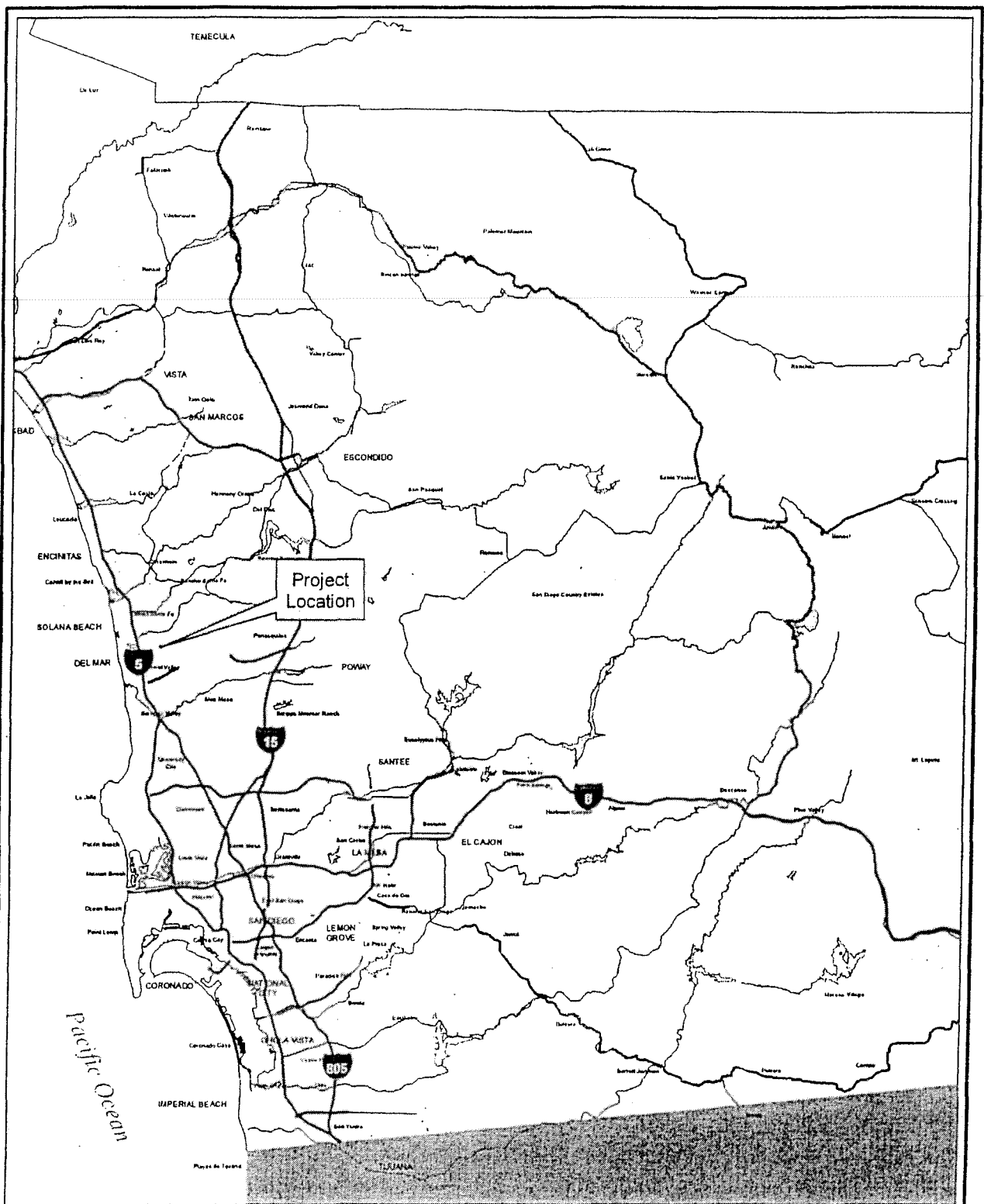
Ms. Linda Collins  
San Diego Gas & Electric  
8315 Century Park Court CP21E  
San Diego, CA 92123-1548

Certification No. 06C-026

**ATTACHMENT 3**

Location Map

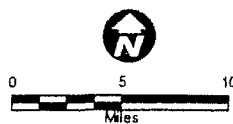
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Source: SanGIS

Mooney Jones & Stokes

G:\GIS\05349\_05\mxd\task\_19\borfig1 (12/19/05)

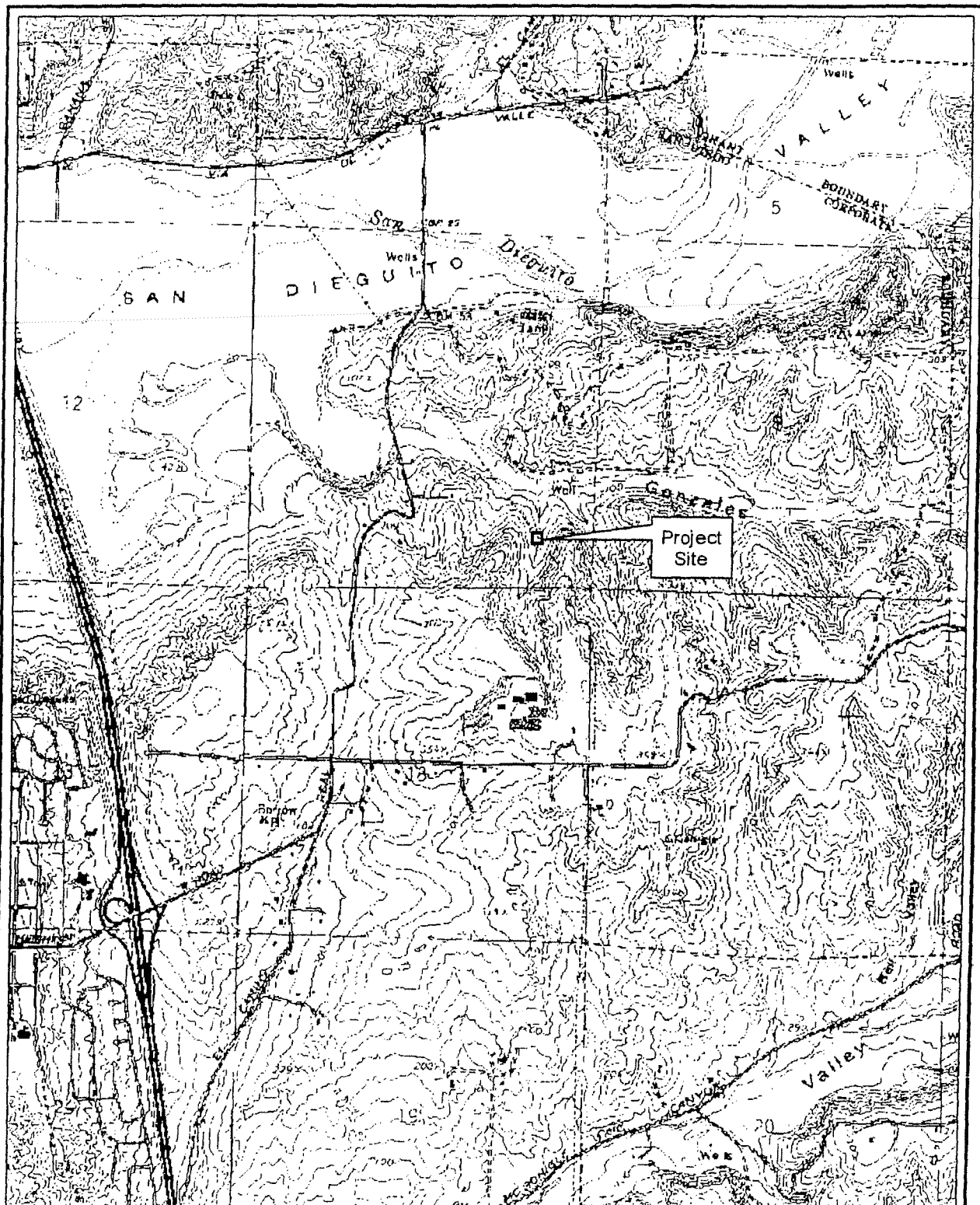


Regional Location Map  
Figure 1

**ATTACHMENT 4**

Site Maps

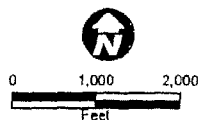
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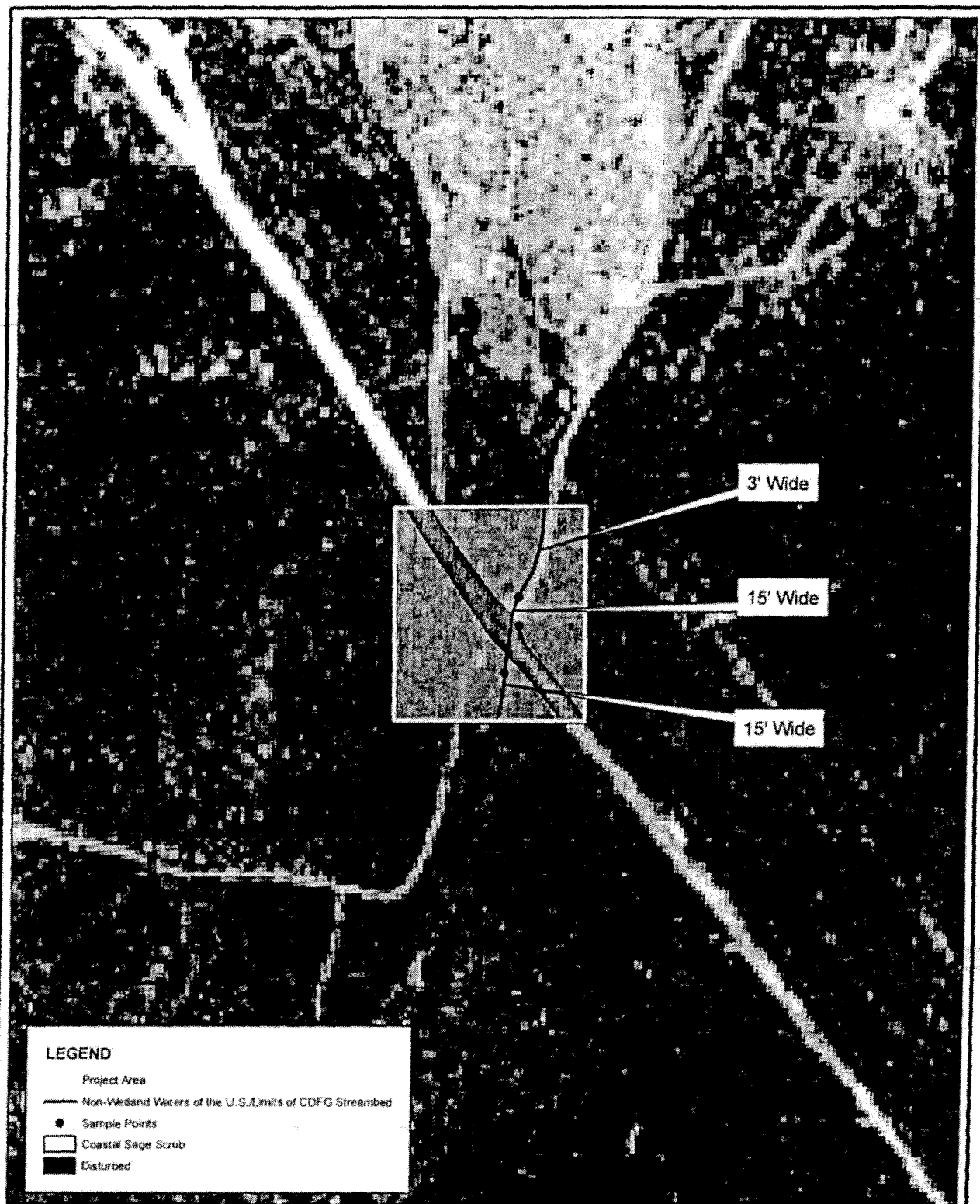
Source: USGS 7.5' Quad Map - Del Mar

Mooney Jones & Stokes

G:\GIS\05349\_05\mxd\Task\_19\brofig2.cdr (12/19/05)



Vicinity Map  
Figure 2



Source: Aerial Access

Mooney • Jones & Stokes

G:\GIS\05349\_05\mxd\Task\_18\fig3.cdr (12/29/05)

Jurisdictional and  
Biological Resources Map  
Figure 3



## Attachment A – Photographs

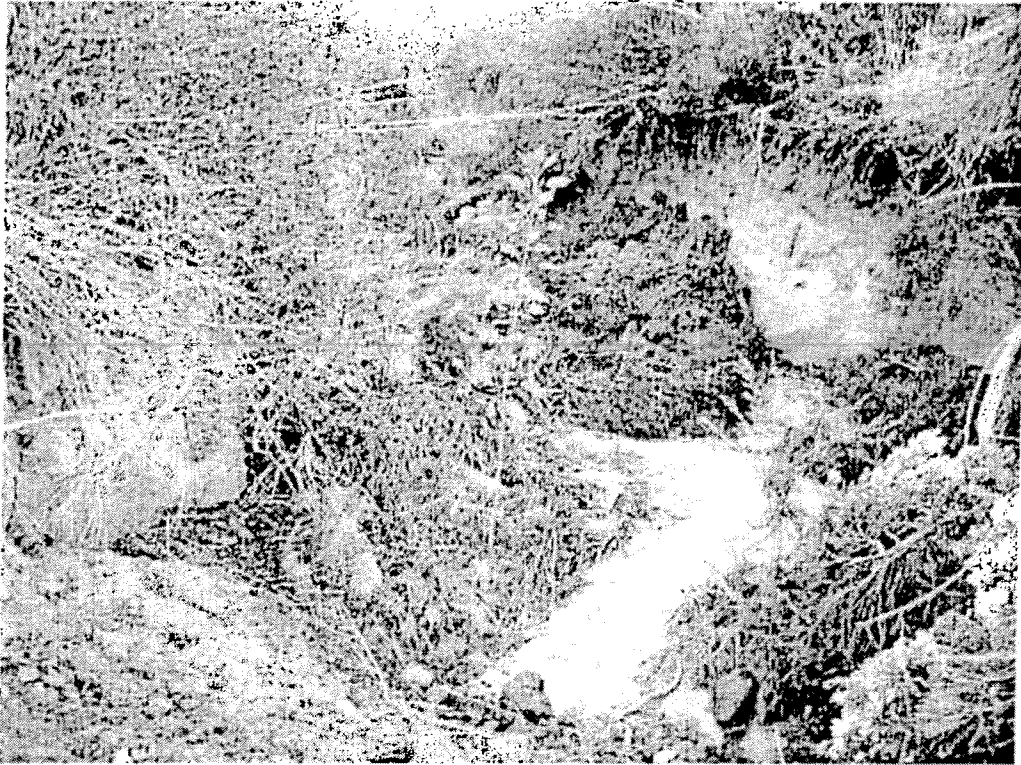


Photo 1. Showing character of the drainage upstream of access road (looking south)



Photo 2. View of access road crossing (looking north)

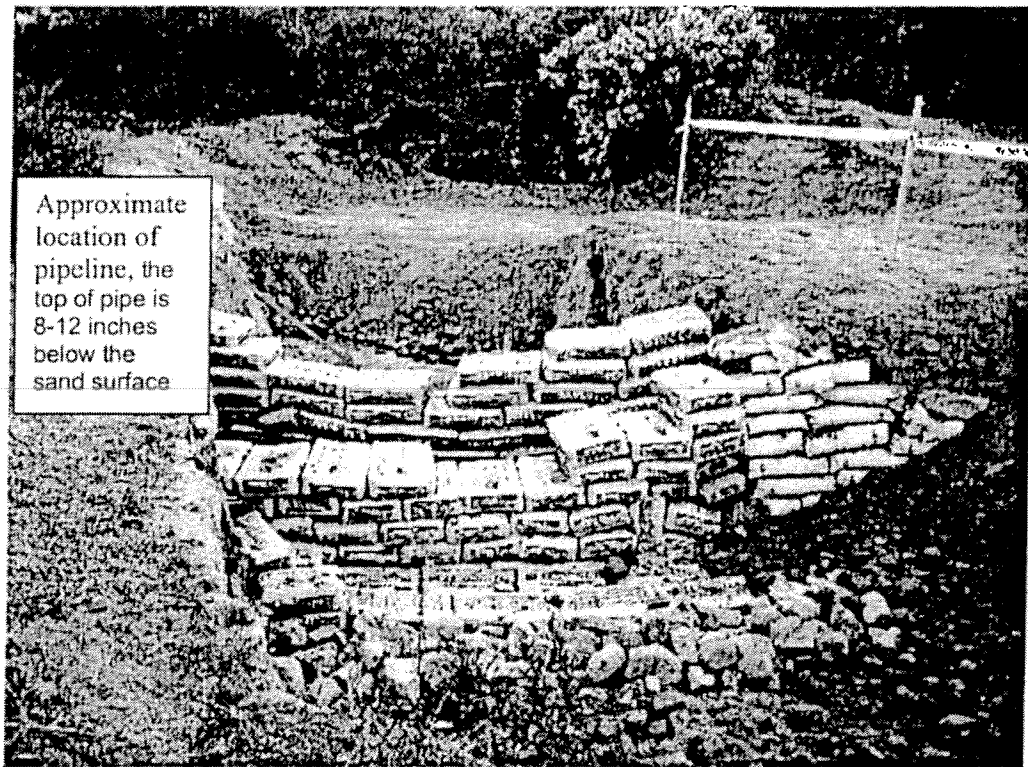
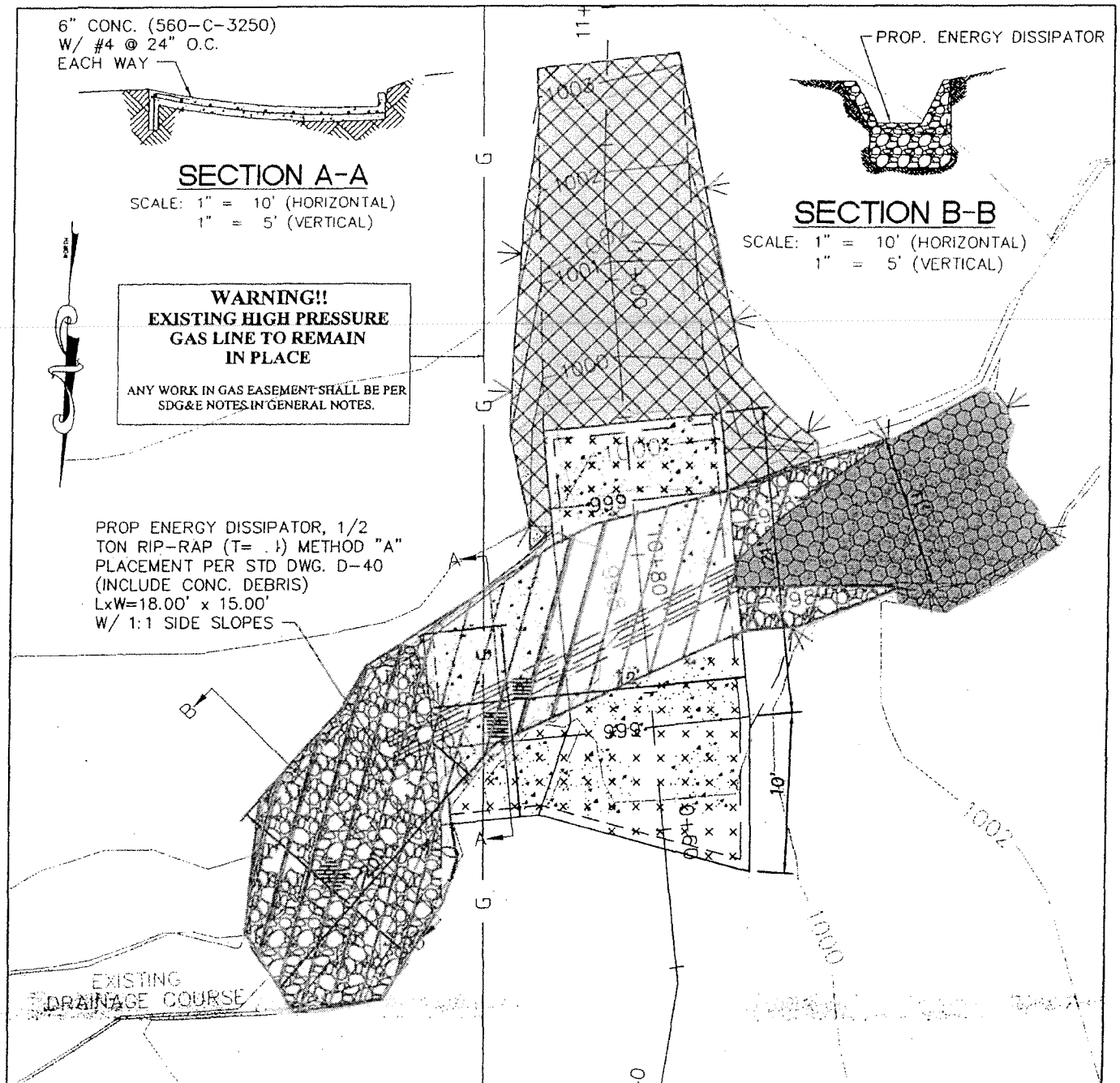


Photo 3. Temporary repairs to access road crossing (looking south)

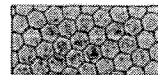


## PLAN: ACCESS ROAD REPAIR

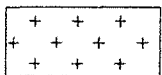
SCALE: 1" = 10'



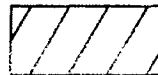
TEMPORARY UPLAND IMPACT  
(389 SF.)



TEMPORARY STREAMBED IMPACT  
(192 SF.)



PERMANENT UPLAND IMPACT  
(281 SF.)



PERMANENT STREAMBED IMPACT  
(520)

Certification No. 06C-026

**ATTACHMENT 5**

**Mitigation Credit Purchase Receipt**

1. I, the undersigned, hereby certify that the above information is true and correct to the best of my knowledge and belief.

2. I, the undersigned, hereby certify that the above information is true and correct to the best of my knowledge and belief.

3. I, the undersigned, hereby certify that the above information is true and correct to the best of my knowledge and belief.

4. I, the undersigned, hereby certify that the above information is true and correct to the best of my knowledge and belief.

5. I, the undersigned, hereby certify that the above information is true and correct to the best of my knowledge and belief.

6. I, the undersigned, hereby certify that the above information is true and correct to the best of my knowledge and belief.

7. I, the undersigned, hereby certify that the above information is true and correct to the best of my knowledge and belief.

8. I, the undersigned, hereby certify that the above information is true and correct to the best of my knowledge and belief.

9. I, the undersigned, hereby certify that the above information is true and correct to the best of my knowledge and belief.

10. I, the undersigned, hereby certify that the above information is true and correct to the best of my knowledge and belief.

*North County  
Habitat Bank*

EXHIBIT A

ACKNOWLEDGMENT OF SALE OF MITIGATION CREDITS

The undersigned seller hereby acknowledges that it has sold and conveyed to SAN DIEGO GAS & ELECTRIC COMPANY("Buyer"), 0.1 credit of Created/Restored wetland/riparian mitigation from the North County Habitat Bank for the 5393 - Access Road Repairs, TM 3010, Torrey Pines project. All terms of this conveyance shall be governed by the provisions of the Mitigation Credit Purchase Agreement and Acknowledgment between Buyer and the undersigned dated April 25, 2008.

Seller:

Westmark Development Corporation  
c/o McCollum Associates  
10196 Clover Ranch Dr  
Sacramento, CA 95829  
Telephone: (916) 688-2040  
Fax: (916) 688-7436  
Email: mcollum@mccollum.com

By: 

Name: Mark Rohrlick

Its: President

Date: 5/27/08

ISADCE Permit: 200601033-KDC  
CDFG Agreement: FRP  
BWQCB Permit: File number 060-126

Escrow Account Number 05207629-609-0.01

6/4/2008

Certification No. 06C-026

**ATTACHMENT 6**

**STREAM PHOTO DOCUMENTATION PROCEDURE**

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**Standard Operating Procedure (SOP) 4.2.1.4****Stream Photo Documentation Procedure**

(CARCD 2001, Written by TAC Visual Assessments work group)

**Introduction:**

Photographs provide a qualitative, and potentially semi-quantitative, record of conditions in a watershed or on a water body. Photographs can be used to document general conditions on a reach of a stream during a stream walk, pollution events or other impacts, assess resource conditions over time, or can be used to document temporal progress for restoration efforts or other projects designed to benefit water quality. Photographic technology is available to anyone and it does not require a large degree of training or expensive equipment. Photos can be used in reports, presentations, or uploaded onto a computer website or GIS program. This approach is useful in providing a visual portrait of water resources to those who may never have the opportunity to actually visit a monitoring site.

**Equipment:**

Use the same camera to the extent possible for each photo throughout the duration of the project. Either 35 mm color or digital color cameras are recommended, accompanied by a telephoto lens. If you must change cameras during the program, replace the original camera with a similar one comparable in terms of media (digital vs. 35 mm) and other focal length characteristics. A complete equipment list is suggested as follows:

**Required:**

- Camera and backup camera
- Folder with copies of previous photos (do not carry original photos in the field)
- Topographic and/or road map
- Aerial photos if available
- Compass
- Timepiece
- Extra film or digital disk capacity (whichever is applicable)
- Extra batteries for camera (if applicable)
- Photo-log data sheets or, alternatively, a bound notebook dedicated to the project
- Yellow photo sign form and black marker, or, alternatively, a small black board and chalk

**Optional:**

- GPS unit
- Stadia rod (for scale on landscape shots)
- Ruler (for scale on close up views of streams and vegetation)
- Steel fence posts for dedicating fixed photo points in the absence of available fixed landmarks

### **How to Access Aerial Photographs:**

Aerial Photos can be obtained from the following federal agencies:

USGS Earth Science Information Center  
507 National Center  
12201 Sunrise Valley Drive  
Reston, VA 22092  
800-USA-MAPS

USDA Consolidated Farm Service Agencies  
Aerial Photography Field Office  
222 West 2300 South  
P.O. Box 30010  
Salt Lake City, UT 84103-0010  
801-524-5856

Cartographic and Architectural Branch  
National Archives and Records Administration  
8601 Adelphi Road  
College park, MD 20740-6001  
301-713-7040

### **Roles and Duties of Team:**

The team should be comprised of a minimum of two people, and preferably three people for restoration or other water quality improvement projects, as follows:

1. Primary Photographer
2. Subject, target for centering the photo and providing scale
3. Person responsible for determining geographic position and holding the photo sign forms or blackboard.

One of these people is also responsible for taking field notes to describe and record photos and photo points.

### **Safety Concerns:**

Persons involved in photo monitoring should **ALWAYS** put safety first. For safety reasons, always have at least two 2 volunteers for the survey. Make sure that the area(s) you are surveying either are accessible to the public or that you have obtained permission from the landowner prior to the survey.

Some safety concerns that may be encountered during the survey include, but are not limited to:

- Inclement weather
- Flood conditions, fast flowing water, or very cold water



- Poisonous plants (e.g.: poison oak)
- Dangerous insects and animals (e.g.: bees, rattlesnakes, range animals such as cattle, etc.)
- Harmful or hazardous trash (e.g.: broken glass, hypodermic needles, human feces)

We recommend that the volunteer coordinator or leader discuss the potential hazards with all volunteers prior to any fieldwork.

### **General Instructions:**

From the inception of any photo documentation project until it is completed, always take each photo from the same position (photo point), and at the same bearing and vertical angle at that photo point. Photo point positions should be thoroughly documented, including photographs taken of the photo point. Refer to copies of previous photos when arriving at the photo point. Try to maintain a level (horizontal) camera view unless the terrain is sloped. (If the photo can not be horizontal due to the slope, then record the angle for that photo.) When photo points are first being selected, consider the type of project (meadow or stream restoration, vegetation management for fire control, ambient or event monitoring as part of a stream walk, etc.) and refer to the guidance listed on *Suggestions for Photo Points by Type of Project*.

When taking photographs, try to include landscape features that are unlikely to change over several years (buildings, other structures, and landscape features such as peaks, rock outcrops, large trees, etc.) so that repeat photos will be easy to position. Lighting is, of course, a key ingredient so give consideration to the angle of light, cloud cover, background, shadows, and contrasts. Close view photographs taken from the north (i.e., facing south) will minimize shadows. Medium and long view photos are best shot with the sun at the photographer's back. Some artistic expression is encouraged as some photos may be used on websites and in slide shows (early morning and late evening shots may be useful for this purpose). Seasonal changes can be used to advantage as foliage, stream flow, cloud cover, and site access fluctuate. It is often important to include a ruler, stadia rod, person, farm animal, or automobile in photos to convey the scale of the image. Of particular concern is the angle from which the photo is taken. Oftentimes an overhead or elevated shot from a bridge, cliff, peak, tree, etc. will be instrumental in conveying the full dimensions of the project. Of most importance overall, however, is being aware of the goal(s) of the project and capturing images that clearly demonstrate progress towards achieving those goal(s). Again, reference to *Suggestions for Photo Points by Type of Project* may be helpful.

If possible, try to include a black board or yellow photo sign in the view, marked at a minimum with the location, subject, time and date of the photograph. A blank photo sign form is included in this document.

### **Recording Information:**

Use a systematic method of recording information about each project, photo point, and photo. The following information should be entered on the photo-log forms (blank form included in this document) or in a dedicated notebook:

- Project or group name, and contract number (if applicable, e.g., for funded restoration projects)
- General location (stream, beach, city, etc.), and short narrative description of project's habitat type, goals, etc.
- Photographer and other team members
- Photo number
- Date
- Time (for each photograph)
- Photo point information, including:
  - Name or other unique identifier (abbreviated name and/or ID number)
  - Narrative description of location including proximity to and direction from notable landscape features like roads, fence lines, creeks, rock outcrops, large trees, buildings, previous photo points, etc. – sufficient for future photographers who have never visited the project to locate the photo point
  - Latitude, longitude, and altitude from map or GPS unit
- Magnetic compass bearing from the photo point to the subject
- Specific information about the subject of the photo
- Optional additional information: a true compass bearing (corrected for declination) from photo point to subject, time of sunrise and sunset (check newspaper or almanac), and cloud cover.

For ambient monitoring, the stream and shore walk form should be attached or referenced in the photo-log.

When monitoring the implementation of restoration, fuel reduction, or Best Management Practices (BMP) projects, include or attach to the photo-log a narrative description of observable progress in achieving the goals of the project. Provide supplementary information along with the photo, such as noticeable changes in habitat, wildlife, and water quality and quantity.

Archive all photos, along with the associated photo-log information, in a protected environment.

### **The Photo Point: Establishing Position of Photographer:**

1. Have available a variety of methods for establishing position: maps, aerial photos, GPS, permanent markers and landmarks, etc. If the primary method fails (e.g., a GPS or lost marker post) then have an alternate method (map, aerial photo, copy of an original photograph of the photo-point, etc).

2. Select an existing structure or landmark (mailbox, telephone pole, benchmark, large rock, etc.), identify its latitude and longitude, and choose (and record for future use) the permanent position of the photographer relative to that landmark. Alternatively, choose the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the photographer.
3. For restoration, fuel reduction, and BMP projects, photograph the photo-points and carry copies of those photographs on subsequent field visits.

### **Determining the Compass Bearing:**

1. Select and record the permanent magnetic bearing of the photo center view. You can also record the true compass bearing (corrected for declination) but do not substitute this for the magnetic bearing. Include a prominent landmark in a set position within the view. If possible, have an assistant stand at a fixed distance from both the photographer and the center of the view, holding a stadia rod if available, within the view of the camera; preferably position the stadia rod on one established, consistent side of the view for each photo (right or left side).
2. Alternatively, use the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the focal point (photo center).
3. When performing ambient or event photo monitoring, and when a compass is not available, then refer to a map and record the approximate bearing as north, south, east or west.

### **Suggestions for Photo Points by Type of Project:**

#### **Ambient or Event Monitoring, Including Photography Associated with Narrative Visual Assessments:**

1. When first beginning an ambient monitoring program take representative long and/or medium view photos of stream reaches and segments of shoreline being monitored. Show the positions of these photos on a map, preferably on the stream/shore walk form. Subjects to be photographed include a representative view of the stream or shore condition at the beginning and ending positions of the segment being monitored, storm drain outfalls, confluence of tributaries, structures (e.g., bridges, dams, pipelines, etc.).
2. If possible, take a close view photograph of the substrate (streambed), algae, or submerged aquatic vegetation.
3. Time series: Photographs of these subjects at the same photo points should be repeated annually during the same season or month if possible.

4. Event monitoring refers to any unusual or sporadic conditions encountered during a stream or shore walk, such as trash dumps, turbidity events, oil spills, etc. Photograph and record information on your photo-log and on your Stream and Shore Walk Visual Assessment form. Report pollution events to the Regional Board. Report trash dumps to local authorities.

### **All Restoration and Fuel Reduction Projects – Time Series:**

Take photos immediately before and after construction, planting, or vegetation removal. Long term monitoring should allow for at least annual photography for a minimum of three years after the project, and thereafter at 5 years and ten years.

#### **Meadow Restoration:**

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long view showing an overlapping sequence of photos illustrating a long reach of stream and meadow (satellite photos, or hill close by, fly-over, etc.)
3. Long view up or down the longitudinal dimension of the creek showing riparian vegetation growth bounded on each side by grasses, sedges, or whatever that is lower in height
4. Long view of conversion of sage and other upland species back to meadow vegetation
5. Long view and medium view of streambed changes (straightened back to meandering, sediment back to gravel, etc.)
6. Medium and close views of structures, plantings, etc. intended to induce these changes

#### **Stream Restoration/stabilization:**

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long-view showing all or representative sections of the project (bluff, bridge, etc.)
3. Long view up or down the stream (from stream level) showing changes in the stream bank, vegetation, etc.
4. Long view and medium view of streambed changes (thalweg, gravel, meanders, etc.)
5. Medium and close views of structures, plantings, etc. intended to induce these changes.
6. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 3 and 4 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.

**Vegetation Management for Fire Prevention (“fuel reduction”):**

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long view showing all or representative sections of the project (bluff, bridge, etc.)
3. Long view (wide angle if possible) showing the project area or areas. Preferably these long views should be from an elevated vantage point.
4. Medium view photos showing examples of vegetation changes, and plantings if included in the project. It is recommended that a person (preferably holding a stadia rod) be included in the view for scale
5. To the extent possible include medium and long view photos that include adjacent stream channels.

**Stream Sediment Load or Erosion Monitoring:**

1. Long views from bridge or other elevated position.
2. Medium views of bars and banks, with a person (preferably holding a stadia rod) in view for scale.
3. Close views of streambed with ruler or other common object in the view for scale.
4. Time series: Photograph during the dry season (low flow) once per year or after a significant flood event when streambed is visible. The flood events may be episodic in the south and seasonal in the north.
5. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 1 and 2 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.

*PHOTO- LOG FORM**Project:**Location:**Date:**Photographer:**Team members:*

Photo #	Time	Photo Point ID	Photo Pt. Description & Location	Bearing to Subject	Subject Description

General Notes or Comments (weather, cloud cover, time of sunrise and sunset, other pertinent information):

PHOTO SIGN FORM: Print this form on yellow paper. Complete the following information for each photograph. Include in the photographic view so that it will be legible in the finished photo.

Location:

Subject Description:

Date:

Time:

DECLARATION OF SERVICE

I, the undersigned, declare: I am employed in the County of San Diego, State of California. I am over the age of 18 years and not a party to this action. My business address is 101 Ash Street, 11th Floor, San Diego, California 92101. I served a copy of the following document(s):

**SAN DIEGO GAS & ELECTRIC COMPANY'S PETITION FOR RECONSIDERATION OF WATER QUALITY CONSIDERATION NO. 06C-026**

by placing a copy thereof in a separate envelope for each addressee and transmitting via email respectively as follows:

John H. Robertus, Executive Officer  
9174 Sky Park Court, Ste. 100  
San Diego, CA 92123-9672  
email address: jrobertus@waterboards.ca.gov

☒ (BY MAIL) I caused each such envelope to be sealed and placed for collection and mailing from my business address. I am readily familiar with the practice for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business mail is deposited with the postage thereon fully prepaid in the United States Postal Service the same day as it is placed for collection. I am aware that upon motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

☐ (BY PERSONAL SERVICE) I caused each such envelope to be sealed and given to a courier for delivery on the same date. A proof of service signed by the authorized courier will be filed forthwith.

☐ (BY OVERNIGHT MAIL) I am readily familiar with the practice of the collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained for overnight delivery.

☐ (BY FACSIMILE) This document was transmitted by facsimile transmission from (619) 696-4838 and the transmission was reported as complete and without error. I then caused the transmitting facsimile machine to properly issue a transmission report confirming the transmission.

☒ (BY ELECTRONIC MAIL) By transmitting electronically the document(s) listed above to the e-mail address(s) set forth on this date.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 12, 2008, San Diego, California.



Sarah A. Ball